

IAN P. FELLERMAN (State Bar No. 119725)
WILEY PRICE & RADULOVICH, LLP
1301 Marina Village Parkway, Suite 310
Alameda, California 94501
(510) 337-2810
FAX (510) 337-2811

Attorneys for Defendant
PODS, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ISAAC TANNER,

Plaintiff,

v.

PODS, INC., et al.,

Defendants.

Case No.: 3:07-cv-02392-JL

NOTICE OF WITHDRAWAL OF MOTION
FOR SANCTIONS

TO THE PARTIES HEREIN AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Defendant, PODS, Inc. hereby withdraws its motion for sanctions and requests that the Court take the hearing, scheduled for September 26, 2007 at 9:30 a.m., off calendar, since Plaintiff's counsel has paid the sanctions to Defendant.

Date: September 11, 2007

WILEY PRICE & RADULOVICH, LLP

By: /s/
IAN P. FELLERMAN

Attorneys for Defendant
PODS, INC.

PROOF OF SERVICE

I am a citizen of the United States, employed in the County of Alameda, California, over the age of 18 years, and am not a party to the within-entitled action. My business address is 1301 Marina Village Parkway, Suite 310, Alameda, California 94501. On the date set forth below, I served the following document(s) by the method indicated below:

• **NOTICE OF WITHDRAWAL OF MOTION FOR SANCTIONS**

☐ **Facsimile** by transmitting via facsimile on this date from fax number (510) 337-2811 the document(s) listed above to the fax number(s) set forth below. The transmission was completed before 5:00 p.m. and was reported complete and without error. The transmitting fax machine properly issued the transmission report, which is attached to this proof of service. Service by fax was made by agreement of the parties, confirmed in writing pursuant to California Code of Civil Procedure §1013(e). The transmitting fax machine complies with California Code of Civil Procedure §1013(e).

☒ **First Class Mail** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Alameda, California addressed as set forth below pursuant to California Code of Civil Procedure §1013(a). I am readily familiar with the business practice at Wiley Price & Radulovich, LLP for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business.

☐ **Messenger** by placing the document(s) listed above in a sealed envelope(s) and by causing personal delivery of the envelope(s) to the person(s) at the address(es) set forth below. A signed proof of service by the process server or delivery service will be filed shortly.

☐ **Personal Delivery** by personally hand delivering the document(s) listed above in a sealed envelope(s) to the person(s) at the address(es) set forth below pursuant to California Code of Civil Procedure §1011.

☐ **Overnight Delivery** by placing the document(s) listed above in a sealed envelope(s) and consigning it to an express service carrier for guaranteed delivery on the next business day following the date of consignment to the address(es) set forth below pursuant to California Code of Civil Procedure §1013(c). A copy of the consignment slip is attached to this proof of service.

M. Van Smith
Law Office of M. Van Smith
1696 Mendenhall Drive
San Jose, California 95130
Tel. No.: (408) 364-1062
Fax No.: (408) 273-6496

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on September 12, 2007, at Alameda, California.

Magnolia D. Vinluan